

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Fidela Arias

INITIAL SCHEDULING ORDER

Plaintiff(s),

20 Civ. 6182 (ERK) (VMS)

-against-

La Fonda Rest Corp. et al

Defendant(s).

It is hereby **ORDERED** as follows:

- 1) Defendant(s) shall answer or otherwise move with respect to the complaint by 5/4/21.
- 2) Initial disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by 6/15/21, if not yet completed. The disclosures should include as detailed a calculation of damages as possible and authorizations for release of medical and other relevant records.
- 3) Initial document requests and interrogatories will be served no later than 7/15/21. If the parties intend to issue interrogatories, they will serve no more than 7/15/21 interrogatories. The parties are informed that the presumptive cap on the number of interrogatories is 25, including subparts.
- 4) Any joinder and/or amendments of the pleadings must be made by 7/1/21. By this date, the parties must either stipulate to the joinder and/or amendments of the pleadings or commence motion practice for leave to join and/or amend in accordance with the Individual Rules of the District Judge assigned to this case.

5) If the parties expect to engage in electronic discovery, they will submit a proposed plan to the Court by not expected.

6) Fact discovery closes 9/1/21.

Note: Treating physicians who may be called as fact witnesses should generally provide their reports or summaries and be deposed during fact discovery. Non-party fact discovery shall be completed by this date as well.

7) As to expert disclosures,

a) The names, qualifications and area(s) of expertise of initial experts shall be served on or before not expected.

b) Initial expert witness reports shall be served on or before not expected.

c) Rebuttal expert witness reports shall be served on or before not expected.

8) All discovery, including any depositions of experts, shall be completed on or before 9/1/21.

9) On or before 9/15/21, the parties must file on ECF a joint letter to the magistrate judge confirming that discovery is concluded.

10) Any dispositive motion practice must be commenced by 10/1/21.

Note: Parties must consult the Individual Rules of the District Judge assigned to this case to determine, inter alia, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement must first be submitted with the pre-motion conference letter or motion, and whether such a motion should only be filed when fully briefed.

11) A proposed joint pre-trial order must be filed by 11/1/21.

12) Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?

a) Yes ☐

b) No ☒ (Do **NOT** indicate which party has decline to consent)

If yes, fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form and file it on ECF. See <http://www.uscourts.gov/FormsAndFees/Forms/CourtFormsByCategory.aspx>

- 13) A discovery conference is set for _____ at _____ in person / by telephone.
(*The Court will schedule this date*). The conference call will be arranged and
initiated by Plaintiff or Defendant (circle one) to Chambers at (718) 613-2300.
- 14) A joint discovery status letter must be filed on ECF by _____ in preparation for
the discovery conference. (*The Court will schedule this date*).
- 15) A final pre-trial conference is set for _____. (*The Court will
schedule this date*).
- 16) The parties may wish to engage in settlement discussions. To facilitate this process,
Plaintiff(s) agree(s) to make a demand on or before 6/15/21, and Defendant(s) agree(s)
to respond to the demand on or before 6/22/21.
- 17) Counsel request a referral to the Court's ADR program? Yes ☐ No ☒.
- 18) Any additional matters:

**This scheduling order may be altered or amended only upon a showing of good
cause based on circumstances not foreseeable as of the date hereof.**

Dated: Brooklyn, New York

_____, 20____

VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE